

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SAI HOSPITALITY MANAGEMENT
COMPANY, LLC, a Georgia Limited
Liability Company

Plaintiff,

v.

Case No.: 2:20-cv-280-FtM-38MRM

ROCKHILL INSURANCE
COMPANY,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court on *sua sponte* review is Plaintiff Sai Hospitality Management Company, LLC's Complaint ([Doc. 1](#)). Sai sues Defendant Rockhill Insurance Company for breach of contract and breach of fiduciary duty. Sai cites diversity jurisdiction as the basis for this Court's subject matter jurisdiction.

"[A] federal court is obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking" and should do so "at the earliest possible stage in the proceedings." [Univ. of S. Ala. v. Am. Tobacco Co.](#), 168 F.3d 405, 410 (11th Cir. 1999). A plaintiff who asserts diversity jurisdiction must prove that diversity jurisdiction exists. [King v. Cessna Aircraft Co.](#), 505 F.3d 1160, 1171 (11th Cir. 2007). Diversity jurisdiction requires complete diversity of citizenship among the opposing parties and an amount in controversy exceeding \$75,000.00, exclusive of interest and costs. [28 U.S.C. § 1332\(a\)](#).

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Here, the diversity of citizenship is uncertain because Sai has not sufficiently pled its own citizenship.

Sai pleads that it “is a Georgia limited liability company with its principal place of business in Fulton County, Georgia.” ([Doc. 1 at 1](#)). But an LLC is a citizen of every state in which one of its members is domiciled. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020 (11th Cir. 2004). Each member of the LLC must be diverse from the opposing party. See *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005). Because Sai has not pled the citizenship of its members, the Court can only speculate as to whether it has jurisdiction.

Accordingly, it is now

ORDERED:

- (1) The Complaint ([Doc. 1](#)) is **DISMISSED without prejudice**.
- (2) Plaintiff may file an amended complaint to correct the deficiencies addressed in this Order on or before **May 6, 2020**. **Failure to do so will result in the Court closing the case without further notice.**

DONE and **ORDERED** in Fort Myers, Florida this 22nd day of April, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record